

**Remarks/Arguments**

**I. Status of the Claims**

In the non-final Office action, the Examiner indicates that claims 1-17 are pending, rejects claims 1-4, 6-14, and 16-17 under 35 U.S.C. 102(e), and rejects claims 5 and 15 under 35 U.S.C. 103(a).

Claims 1, 4, 11 and 14 are amended in this Amendment to correct typographical errors. In addition, the specification is amended at pages 6, 17 and 24 to correct similar typographical errors.

New independent claim 18 is introduced by this Amendment. Consequently, claims 1-18 are pending for reconsideration.

**II. Information Disclosure Statement**

At page 2, item 2 of the non-final Office action, the Examiner indicates that the listing of references in the specification is not a proper information disclosure statement.

In order to assure that the references listed in the specification are considered by the Examiner, the Applicants file herewith a proper Information Disclosure Statement, which is submitted under 37 CFR 1.97(c) and is accompanied by the requisite fee under 37 CFR 1.17(p).

The Examiner is respectfully requested to consider each of the references listed in the Information Disclosure Statement.

III. Rejection of claims 1-4, 6-14, and 16-17 under 35 U.S.C. §102(e)

At pages 2-5, item 4 of the non-final Office action, claims 1-4, 6-14, and 16-17 are rejected under 35 U.S.C. §102(e) as being anticipated by Klemets et al. (U.S. Patent Application Publication No. US 2003/0236912 A1).

This rejection is respectfully traversed to the extent that it is maintained. A proper rejection under 35 U.S.C. §102 requires that the reference disclose each and every element of the invention as claimed. However, as discussed below, the Klemets et al. reference fails to disclose (or even suggest) the claimed invention.

Independent claims 1, 8 and 11 each require that a request for a particular media file is received from a client computer or web client, and a metafile or metadata is returned.

In the method for streaming a media file over a distributed information system as recited in independent claim 1, a download request for the actual media file is reinterpreted into a request for receiving a corresponding metafile, which is returned back to the client computer. The metafile contains information about the identification, location and format of the media file.

In the device for streaming a media file over a network as recited in independent claim 8, metadata for initiating the streaming of a media file is returned to a web client in response to a request for the media file.

In the computer-readable program stored on a computer-readable medium as recited in independent claim 11, a download request for the actual media file is reinterpreted into a request for receiving a corresponding metafile, which is returned back

to the client computer. The metafile contains information about the identification, location and format of the media file.

In the case of each of independent claims 1, 8 and 11, a request for a media file is received but instead of returning the content of the resource requested (default HTTP behavior) or executing the resource and forwarding it's reply (Java Servlets, CGI scripts) – a metafile or metadata is returned.

At this point, reference to specification of the present application and the preferred embodiments described therein may be instructive. In accordance with the preferred embodiments of the present invention, a HTTP request composed by a web browser 122 running on a web client 102 points to a media file itself, and neither to a streaming metafile nor a CGI/Java Servlet program component. See, for example, page 11, lines 14-19 of the present application. The HTTP request is forwarded to a metadata server 104, which forwards the request to a HTTP protocol handler 132. See, for example, page 11, lines 20-25 of the present application. Usually, a HTTP protocol handler would answer an HTTP request either by returning the content of the resource requested (default HTTP behavior) or executing the resource and forwarding it's reply (Java Servlets, CGI scripts). However, the HTTP protocol handler 132 according to the preferred embodiments of the present invention, reinterprets the HTTP request so that it returns streaming metadata instead. See, for example, page 12, lines 1-5 of the present application. For all HTTP requests fulfilling predefined filter criteria, the metadata server returns metadata instead of the original media content. See, for example, page 7, lines 8-14 of the present application. (Incidentally, this latter feature directly relates to the subject matter of dependent claims 5 and 15, each of which positively recites the step of “checking predefined filter criteria determining of whether or not a metafile is to be returned instead of the requested media file.”)

At page 3, lines 1-4 of the non-final Office action, the Examiner states, “With regards to claim 1, Klemets discloses ... receiving a request for a particular media file from a client computer (Klemets: Paragraph [0016]); ... ”. Also, at page 3, lines 1-12 of the non-final Office action, the Examiner states, “With regards to claim 1, Klemets discloses ... returning said metafile back to said client computer (Klemets: Paragraph [0039]), ... ”. Contrary to the assertion of the Examiner, however, the Klemets et al. reference does not disclose (or even suggest) “receiving a request for a particular media file from a client computer” and “returning said metafile back to said client computer”. (As defined in claim 1, the metafile returned to the client computer contains information about the identification, location and format of the media file.) The Klemets et al. reference does not disclose (or even suggest) returning a metafile that contains information about the identification, location and format of a particular media file in response to receiving a request for that particular media file as required by independent claim 1.

Instead, the Klemets et al. reference discloses the client 106 initially sends a real-time streaming protocol (RTSP) DESCRIBE request to the media server 104. Then, the media server 104 responds to the RTSP DESCRIBE request with a session description protocol (SDP) message. The SDP message includes a streaming media format file header and the content description list. See, Klemets et al., page 3, paragraph [0031]. In other words, the client 106 sends a description request (e.g., an RTSP DESCRIBE request) to the server 104 to describe the available content. See, Klemets et al., page 4, paragraph [0041]. This first communication session (i.e., sending the RTSP DESCRIBE request and returning the SDP message) between the client and the media server as disclosed in the Klemets et al. reference does not correspond to the claimed steps of sending a request for a particular file and returning a metafile that contains information about the identification, location and format of that particular media file. Granted, the

SDP message may arguably contain metadata, but the RTSP DESCRIBE request is clearly not a request for a particular media file as independent claim 1 requires.

The Klemets et al. reference further discloses the client 106 next sends a playback request (e.g., an RTSP SETUP request) for each stream that the client 106 has chosen. The client 106 may also send a RTSP PLAY request for each stream that has been chosen to initiate delivery of the chosen streams. Finally, in response to the playback request, the media server 104 sends the selected streams (e.g., via real-time transport protocol (RTP)) to the client 106. See, Klemets et al., pages 4-5, paragraph [0045]. This second communication session (i.e., sending the RTSP SETUP/PLAY request and returning the selected streams) between the client and the media server as disclosed in the Klemets et al. reference, also does not correspond to the claimed steps of sending a request for a particular file and returning a metafile that contains information about the identification, location and format of that particular media file. Granted, the RTSP SETUP/PLAY request may arguably be construed as a request for a particular media file, but the selected streams are clearly not a metafile that contains information about the identification, location and format of that particular media file as independent claim 1 requires.

Thus, neither the first communication session nor the second communication session between the client and the media server as disclosed in the Klemets et al. reference corresponds to sequence of steps required by independent claim 1, i.e., receiving a request for a particular media file and then returning a metafile that contains information about the identification, location and format of that particular media file. The Klemets et al. reference is similarly deficient with respect to the corresponding limitations of independent claims 8 and 11.

Likewise, claims 2-4, 6-7, 9-10, 12-14, and 16-17 depend, directly or indirectly, from independent claim 1, 8 or 11, and set forth all of the limitations therein, plus additional limitations that are not disclosed (or even suggested) by the prior art. By such additional limitations, and for at least the reasons discussed above with respect to independent claims 1, 8 and 11, the Applicants respectfully submit that these dependent claims also patentably define over the prior art.

Therefore, the Applicants respectfully request reconsideration and withdrawal of this rejection of claims 1-4, 6-14, and 16-17 under 35 U.S.C. §102(e).

IV. Rejection of claims 5 and 15 under 35 U.S.C. §103(a)

At pages 5-7, item 6 of the non-final Office action, claims 5 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Klemets et al. (U.S. Patent Application Publication No. US 2003/0236912 A1) over “knowledge possessed by a person of ordinary skill in the art”.

This rejection is respectfully traversed to the extent that it is repeated. As discussed below, the cited art fails to disclose or suggest the claimed invention.

Claims 5 and 15 depend, directly, from independent claim 1 and 11, respectively, and set forth all of the limitations therein. Accordingly, for at least the reasons discussed above with respect to independent claims 1 and 11, the Applicants respectfully submit that dependent claims 5 and 15 also patentably define over the prior art. The Examiner alleges (without objective evidence of a basis in fact for this allegation) the knowledge possessed by a person of ordinary skill in the art cures the deficiencies of the Klemets et al. reference with respect to the “checking predefined filter criteria determining of

whether or not a metafile is to be returned instead of the requested media file" limitation of dependent claims 5 and 15. The Applicants do not agree -- the Examiner has not shown, for example, that the variation he suggests is within the skill level of a person of ordinary skill in the art, is a predictable variation, or has been used to improve similar devices in the same way. Irrespective, the knowledge possessed by a person of ordinary skill in the art fails to cure the above-discussed deficiencies of the Klemets et al. reference with respect to independent claims 1 and 11.

Therefore, the Applicants respectfully request reconsideration and withdrawal of this rejection of claims 5 and 15 under 35 U.S.C. §103(a).

V.      New Independent Claim 18

New independent claim 18 is introduced in this Amendment to provide an additional scope of claim protection for the present invention. This claim is directed to a method for streaming a media file over a distributed information system to a client computer by sequentially interacting with two different servers -- the first being a metadata server and the second being a streaming server. No new matter has been added. See, for example, the discussion of the web client 102, the metadata server 104 and the delivery server 106 at pages 10-14 of the present application, with reference to FIG. 1.

Hence, the method for streaming a media file as recited in new independent claim 18 requires the use of two distinct servers, i.e., the metadata server and the streamer server. This arrangement is advantageous in several respects. For example, one metadata server may cooperate with multiple delivery servers in order to perform load balancing. The prior art simply fails to disclose or suggest a method for streaming a media file as recited in new independent claim 18, and the advantages the flow therefrom.

VI. Conclusion

In view of the foregoing comments and amendments, the Applicants respectfully submit that all of the pending claims (i.e., claims 1-18) are in condition for allowance and that the application should be passed to issue.

If a conference would be of value in expediting the prosecution of this application, the Examiner is hereby encouraged to telephone the undersigned counsel at (847) 462-1937 to arrange for such a conference.

Respectfully submitted,

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